

REMARKS

Reconsideration of the application is requested.

Since claim 2 has not been amended and the arguments below are exclusively based on the limitations in claim 2, it is believed that no new issue requiring further consideration or search has been presented by the amendments changing the dependency of the dependent claims. All of the limitations in canceled claim 1 are in claim 2. Entry of the amendments changing the dependency of claims 4-9 from claim canceled claim 1 to claim 2 is requested.

Claims 2-9 are now in the application. Claims 2-9 are subject to examination. Claims 4-6, 8, and 9 have been amended. Claim 1 has been canceled to facilitate prosecution of the instant application.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 1, 3, 6, and 8 have been rejected as being obvious over U.S. Patent No. 4,360,586 to Flanders et al. in view of U.S. Patent No. 5,715,039 to Fukuda et al. under 35 U.S.C. § 103.

Claim 1 has been canceled and claims 3, 6, and 8 now depend from claim 2, which is believed to be allowable.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claim 2 has been rejected as being obvious over U.S.

Patent No. 4,360,586 to Flanders et al. in view of U.S. Patent No. 5,715,039 to Fukuda et al. and further in view of U.S. Patent No. 6,344,298 B1 to Starodubov et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Flanders et al. teach producing a flat parent mask as shown in Figs. 3G and 4 (column 4, lines 2-16). Fig. 5 shows that the flat parent mask 30 is used to expose a flat silicone substrate 33 (column 4, lines 17-21).

Starodubov et al. teach forming an optical grating in an optical fiber by exposing the circumference of the optical fiber through a circular phase mask 10 (column 3, lines 24-27). The grating is formed by a relative movement between the mask and the fiber (column 2, lines 57-60 and column 5, lines 8-9).

The Examiner has alleged that one would have been motivated to modify the teachings of Flanders et al. as modified by Fukuda et al. in order to obtain the predictable results of the interference of the mask patterns with the plurality of the exposures.

A mask with a pattern used to expose the circumference of an optical fiber cannot produce a predictable result when used with the flat surface of a silicone substrate rather than with the circumference of the fiber. Furthermore, Starodubov et al. teaches that there must be a relative rotational movement between the circular mask and the optical fiber during the exposure process.

Such a relative rotational movement between a mask and the surface of a silicone substrate at the very least would not produce a predictable result and likely could not be successfully incorporated into the exposure process taught by Flanders et al.

The prior art does not suggest a method for generating a periodic circular structure in a basic support material comprising the steps of:

- a) generating a plurality of diffraction masks such that each mask includes at least one transmission diffraction grating having at least one pattern selected from the group consisting of a periodic concentric circular pattern, a spiral-like periodic pattern and a periodic radial spoke pattern;
- b) positioning the plurality of the diffraction masks simultaneously or successively at a certain distance from the basic support material to be patterned, the distance being mask dependent;
- c) exposing the basic support material by directing light beams through each of the plurality of the diffraction masks; and
- d) interfering the different light beams diffracted by the grating on each mask in order to generate coincident light intensity patterns on the surface of the basic support material;

wherein the step of exposing further comprises the steps of: generating exposure by directing light through a transmission diffraction mask having a periodic circular interference mask pattern so as to generate exposure of circular tracks on the basic support material; and after said step of generating exposure further generating exposure using a transmission diffraction mask having a spiral extending interference mask pattern or a radial extending interference mask pattern thereby generating a circumferential partitioning of said generated circular tracks.

Under the heading "Claim Rejections – 35 USC § 103" on page 6 of the above-identified Office Action, claim 5 has been rejected as being obvious over U.S. Patent No. 4,360,586 to Flanders et al. in view of U.S. Patent No. 5,715,039 to Fukuda et al. in view of U.S. Patent No. 5,467,166 to Shiraishi under 35 U.S.C. § 103.

Claim 5 has been amended to depend from claim 2 and is believed to be patentable for the reasons given above with regard to claim 2.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claim 7 has been rejected as being obvious over U.S. Patent No. 4,360,586 to Flanders et al. in view of U.S. Patent No. 5,715,039 to

Fukuda et al. and further in view of U.S. Patent No. 6,309,809 B1 to Starikov et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Claim 7 now depends from claim 2 and is believed to be patentable for the reasons given above with regard to claim 2.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claim 9 has been rejected as being obvious over U.S. Patent No. 4,360,586 to Flanders et al. in view of U.S. Patent No. 5,715,039 to Fukuda et al. and further in view of U.S. Publication No. 2004/0157086 A1 to Hwang et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Claim 9 has been amended to depend from claim 2 and is believed to be patentable for the reasons given above with regard to claim 2.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 2. Claim 2 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 2.

Claim 3 has been allowed.

In view of the foregoing, reconsideration and allowance of claims 2 and 4-9 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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MPW:cgm

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